

REMARKS

Applicants have carefully reviewed the Office Action dated February 24, 2005. Claims 1-10 are pending in this application. Reconsideration and favorable action is respectfully requested.

Claims 1-10 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-10 of U.S. Patent No. 6,643,692 and also over Claims 1-4 of U.S. Patent No. 6,697,949. Applicants have provided a Terminal Disclaimer with respect to U.S. Patent No. 6,643,692. Thus, the double patenting rejection with respect to U.S. Patent No. 6,643,692 is overcome.

With respect to U.S. Patent No. 6,697,949, Claims 1-4 are directed toward a method for allowing a consumer to access an advertiser's location over a global communication network from a consumer's computer. This utilizes the steps of defining an archive location at a consumer's computer and then broadcasting to a class of consumers a broadcast having a unique signal embedded therein. This unique signal is embedded such that it can be decoded or extracted therefrom at a consumer's location after reception thereof. In response to the step of decoding, a database is "automatically" accessed in order to determine routing information to a predetermined location on the network from the consumer's computer. Thereafter, this information is archived at the consumer's computer. This is distinctly different from Applicants' current invention, in that there is no media associated therewith, there is no step of archiving and there is no step of embedding the unique code within the audio video bandwidth of a device. Specifically, the difference between the two claims is clearly that the '949 patent requires archiving in the consumer's computer the determined routing information. There is no step in the claims of the current application. Therefore, Applicants believe that the claims distinguish over Claims 1-4 of U.S. Patent No. 6,697,949 and, therefore, Applicants respectfully request the withdrawal of the double patenting rejection with respect thereto.

Claims 1, 4-6 and 9-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the

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combination of *Bendinelli, Ullman, Wolzien* and *Berry et al.* Claims 2 and 7 -8 are rejected in view of this combination and further in view of *Hitzelberger*. This rejection is respectfully traversed with respect to the claims as currently amended.

The Examiner has added the *Berry et al.* patent to the references provided in the prior *Office Action*, which were responded to in detail in the last response. As such, Applicants incorporate all of the remarks with respect thereto. As noted in the previous response, all of the *Bendinelli, Ullman*, and *Wolzien* references utilize some type of vertical blanking unit (VBI) for containing information such as the URL. The *Berry et al.* reference is a reference that provides "a unique identifier encoded *on* the physical CD itself . . . [and] is based on the single 'Red Book' audio standard." (See Col. 11, lines 32-35, *emphasis added*). Further, in each independent claim (Nos. 1, 7, 13 and 20) of *Berry et al.*, it is stated that "said unique identifying indicia being stored *on* a storage media *separately* from said audio recording . . . wherein said unique identifying indicia is accessed without accessing said audio recording." (See, e.g. Col. 11, lines 61-67, *emphasis added*.) Thus, the unique identifying indicia of *Berry et al.* is *not* embedded *in* the recorded audio information, this being a significant difference between the two references. Thus, Applicant believes that the *Berry* reference does not cure the deficiencies noted with respect to the three main references and, therefore, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) with respect to the rejected claims.

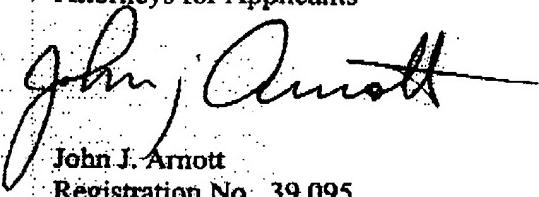
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Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,707 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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